

REMARKS

Claims 9-11 have been cancelled. Applicant expressly reserves the right to file a continuation application and/or a divisional application to pursue these claims.

Claim Rejections - 35 U.S.C. §102

Claims 1-8 were rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6,060,383 to Nogami.

Independent claims 1 and 6 have been amended to more clearly define the invention.

Nogami discloses a method of forming a multi-layered coaxial interconnect structure. As discussed at column 2, lines 1-8 Nogami deals with the issue of "capacitive cross talk between adjacent conductive lines" which results from the "miniaturization in the integrated circuits industry" which "has led to an ever constant reduction in separation between the conductive lines". Nogami provides the following solution for the capacitive cross talk problem:

The present invention provides for a multi-layered interconnect structure which employs dielectric material having a dielectric constant suitable for overcoming capacitive cross-talk between conductive lines. Furthermore, at least some of the conductive lines of the multi-layered interconnect structure are coaxial in nature, wherein the coaxial conductive lines include a central conductive portion which is surrounded by a thin dielectric material and the thin dielectric material surrounded by a metal conductor. Thus, a coaxial conductive line of the present invention provides for a metal conductor circumferentially surrounding a signal carrying central conductor with an insulating material interposed there between. The central conductor is thus substantially shielded from passing noise and induced electromagnetic fields resulting from changing signals therein as well as the central conductor being substantially shielded from externally generated noise and electromagnetic fields.

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The Nogami reference does not discuss power supply current or bottlenecking of the power supply current. The Nogami reference is nonanalogous art.

A prior-art reference is analogous if:

- (1) the art is from the same field of endeavor, regardless of the problem addressed; and
- (2) if not from the same field of endeavor, whether it is still reasonably pertinent to the particular problem to be solved.

E.g., In re Clay, 966 F.2d 656, 658-59, 23 U.S.P.Q.2d 1058, 1060 (Fed. Cir. 1992); MPEP Section 2141.01(a). But just because Nogami relates to semiconductor chips, does not mean that it is from the same field of endeavor. For example, in the *Clay* case, the Office argued that the prior art patent and the application at issue were part of a common endeavor: maximizing withdrawal of petroleum stored in petroleum reservoirs. The Court held that the art is not within the same field of endeavor merely because both relate to the petroleum industry. The application at issue was for storage of refined liquid hydrocarbons; the prior art patent was for the extraction of crude petroleum. *In re Clay, supra*, at 659, 23 U.S.P.Q.2d at 1060.

Similarly, in *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 U.S.P.Q.2d 1767 (Fed. Cir. 1993), cited at Section 2141.01(a) of the MPEP, the patents-in-suit were for single in-line memory modules. The prior art at issue was for single in-line memory modules. The Federal Court stated, nonetheless:

The Allen-Bradley art is not in the same field of endeavor as the claimed subject matter merely because it relates to memories. It involves memory circuits in which modules of varying sizes may be added or replaced; in

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contrast, the subject patents teach compact modular memories.

Id. at 864, 26 U.S.P.Q.2d at 1773 (emphasis added). Even though both the application and the prior art reference described SIMMs, they were still different fields of endeavor.

Nogami is not in the same field of endeavor as Applicant's invention. Nogami relates to a fabrication method which allows multiple metal layers to be manufactured reliably.

Applicant's invention provides for distribution of the power supply.

Additionally, Nogami is not reasonably pertinent to the problem to be solved. An illustrative case in which prior art was found to be analogous, even though not from the same field of endeavor, is *Medtronic, Inc. v. Cardiac Pacemakers*, 721 F.2d 1563, 220 U.S.P.Q. 97 (Fed. Cir. 1983), cited in Section 2141.01(a) of the MPEP. The patent involved a cardiac pacemaker which included a runaway inhibitor means for preventing a pacemaker malfunction from causing pulses to be applied at too high a frequency rate. Two prior-art references disclosed circuits used in high power, high frequency devices which inhibited the runaway of pulses from a pulse source. The court held:

Faced with a rate-limiting problem, one of ordinary skill in the art would look to the solutions of other faced with rate-limiting problems.

Id. at 1573-74.

Here Nogami provides a solution to the capacitive crosstalk problem, See column 2, lines 1-8. More specifically, as described at column 2, lines 35-40, Nogami deals with the problem of providing sufficient insulation between the conductive lines to overcome capacitive crosstalk

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between closely spaced conductive lines. In contrast, Applicant's invention seeks to reduce the occurrence of bottlenecks within the power supply current. Nogami and Applicant's invention do not provide solutions to similar problems. Therefore, under the *In re Clay* test, the references are not analogous.

Because claims 1 and 6 as amended are not anticipated by Nogami, Applicant respectfully requests consideration and allowance of amended claims 1 and 6.

Claims 2-5 depend from claim 1 and claims 7-8 depend from claim 6. Applicant asserts that because claims 1 and 6 are allowable dependent claims 2-5 and 7-8 are also allowable. Applicant respectfully requests reconsideration and allowance of claims 2-5 and 7-8.

Conclusion

Applicant respectfully submits that the present claims are allowable over the cited prior art and that the application should be passed to issuance.

Should the present claims not be deemed adequate to effectively define the patentable subject matter, the Examiner is respectfully urged to call the undersigned attorney of record to discuss the claims in an effort to reach an agreement toward allowance of the present application.

Respectfully submitted,

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